



Order Filed on December 2, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-2(c)**

WNI 15-010067  
Shapiro & DeNardo, LLC  
14000 Commerce Parkway, Suite B  
Mount Laurel, NJ 08054  
(856) 793-3080  
Kathleen M. Magoon, Esq. 040682010  
ATTORNEYS FOR THE BANK OF NEW YORK  
MELLON TRUST COMPANY, N.A., AS SUCCESSOR-  
IN-INTEREST TO ALL PERMITTED SUCCESSORS  
AND ASSIGNS JPMORGAN CHASE BANK, AS  
TRUSTEE, FOR CERTIFICATEHOLDERS OF  
NOMURA ASSET ACCEPTANCE CORPORATION,  
MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2004-AR1

IN RE:

JEAN C. KOEGLER, III, DEBTOR

CASE NO.: 20-12270-VFP


HEARING DATE: DECEMBER 3, 2020

JUDGE: HONORABLE VINCENT F.  
PAPALIA

**CONSENT ORDER RESOLVING OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN**

The relief set forth on the following pages, numbered two (2) through two (2) is hereby ORDERED.

**DATED: December 2, 2020**

  
\_\_\_\_\_  
Honorable Vincent F. Papalia  
United States Bankruptcy Judge

This matter being opened to the Court by Russell L. Low, attorney for the Debtor, upon filing of a Chapter 13 Plan, and The Bank of New York Mellon Trust Company, N.A., et seq., hereinafter "Secured Creditor," by and through its Authorized Agent, Shapiro & DeNardo, LLC, upon the filing of an Objection to Confirmation of Plan, and the parties having subsequently resolving their differences with regard to the Debtors' Chapter 13 Plan; and the Court noting the consent of the parties to the form, substance and entry of the within Order; and the Court considered the parties' application for entry of this Consent Order, and for other good cause shown,

1. Debtor is the mortgagor, and Secured Creditor is the mortgagee, of an agreement secured by real property located at 52 Sterling Avenue, Weehawken, NJ 07086.

2. At the time of filing, Debtor owed Secured Creditor a pre-petition arrearage of \$173,479.23; as evidenced in Secured Creditor's Proof of Claim 2-1, filed on February 26, 2020.

3. Debtor will immediately apply through Secured Creditor's servicing agent for a loan modification to cure the pre-petition arrearage in paragraph one (1) above. This loan modification shall be completed by April 1, 2021.

4. If a loan modification is not offered by April 1, 2021, Debtor must within fourteen (14) days thereof: 1) modify the Chapter 13 Plan to fully cure Secured Creditor's pre-petition arrearages of \$173,479.23; 2) modify the Chapter 13 Plan to surrender the subject property; or, 3) Convert to a Chapter 7 case. If the Debtor fails to comply with this paragraph of the Consent Order, then Secured Creditor may obtain an Order Vacating the Automatic Stay as to the collateral by submitting a Creditor's Certification of Default to the Court pursuant to the local bankruptcy rules.

5. Starting March 1, 2020, Debtor agrees to maintain contractually due post-petition payments to Secured Creditor, currently in the amount of \$2,872.38 monthly, and changing to \$2,796.11 on December 1, 2020; *except* that if Debtor was offered a COVID-19 mortgage forbearance for any post-petition month(s), then payment(s) for those months will be required to be cured at the end of the forbearance period in a manner as approved by Secured Creditor. If the Debtor fails to make any payments detailed in this paragraph of the Consent Order within thirty (30) days of the date the payment is due, or if any of the funds paid fail to clear for insufficient funds or are dishonored for any reason, then the Secured Creditor may file a Motion to Vacate the Automatic Stay with the Court as to the collateral pursuant to the local bankruptcy rules.

6. Secured Creditor agrees this Order resolves the Objection to Confirmation of Plan filed on July 8, 2020; ECF Doc.:48.

7. This Consent Order is hereby incorporated into Debtor's Chapter 13 Plan.

We hereby consent to the form, content,  
and entry of the within Order.

Shapiro & DeNardo, LLC

/s/Kathleen M. Magoon

Kathleen M. Magoon, Esquire  
Attorney for the Secured Creditor

Date: 12/1/2020

/s/Russell L. Low/

Russell L. Low, Esquire  
Attorney for the Debtor

Date: 12/1/2020